

REMARKS

In view of the foregoing amendments and following remarks responsive to the Office Action dated May 19, 2006, Applicant respectfully requests favorable reconsideration of this application.

Applicant respectfully thanks the Examiner for his courtesy and kindness in conducting a telephone interview with Applicant's undersigned representative on July 21, 2006 and a follow up discussion on July 24, 2006.

Applicant has herein amended independent claims 1 and 15 in order to expressly recite that the claimed switch(es) that simultaneously take(s) the phone off hook and routes the call to the particular audio path is a single switch. Specifically, in the Final Office Action dated April 19, 2006, the Office maintained the previous rejections, indicating that Applicant's arguments were unpersuasive. Specifically, the Office rejected claims 1-7 and 15-19 under 35 U.S.C. 103(a) as unpatentable over Gong in view of Kim and claims 9-13 and 20-24 under 35 U.S.C. 103(a) as being unpatentable over Gong in view of Kim as applied to claim 1 and further in view of Bowen. However, during the aforementioned telephone interview, the Examiner indicated that he was reading each of the claimed switch(es) on one or more switches, whereas it was Applicant's intent to claim that a single switch performs both of the recited functions. Specifically, in the rejection, the Examiner apparently was reading the claimed switch to cover one or more switches and was taking the position that, in addition to the switch that routes the call to the handset audio path, it was either inherent or obvious that Gong also had a switch somewhere on keypad 170 that took the phone off hook. Thus, if the claimed "switch" reads on more than one switch, it would read on Gong's keypad 170 (which comprises multiple switches).

Since it has always been Applicant's intent that the claimed switch(es) for taking the phone off hook and routing the audio is/ are each a single switch, Applicant has amended the independent claims 1 and 15 to now expressly recite that the claimed switch(es) is/are single switch(es).

Per the aforementioned telephone interview, subject to the Examiner's further review of Gong to confirm that Gong does not, in fact, teach one or more single switches that each perform both of these functions, all claims should now be in allowable form.

Below is a more detailed discussion of the present invention and the Gong reference expanding upon the issue discussed above.

The Present Invention

The present invention relates to methods and apparatus for selectively routing the audio to the headset or the handset of a mobile transceiver, such as a cellular phone, in a manner that is extremely easy, convenient, and intuitive for the user of the transceiver. Particularly, one of the problems in the prior art addressed by the present invention is the fact that a cellular telephone user often may have the telephone in his or her pocket with the headset connected to the handset. Existing cellular telephones are designed to automatically route the audio to the headset when the jack of the headset is connected to the jack receptacle of the handset. When an incoming call is received, there is a very limited amount of time to answer the call, which the user may wish to answer by using the handset as opposed to the headset (for instance, because the user does not have enough time to unwrap the headset from the handset and place it on his or her head within the limited time available for answering the call). Yet it may be difficult to disconnect the headset jack within that time because the headset wire is wrapped around the handset. Alternately, the user may not realize that the headset is plugged in and may attempt to talk on the telephone using the speaker and microphone of the handset, only to discover that the speaker and microphone on the handset are disabled because the headset is plugged in. This is a less than optimal design.

The present invention solves this problem. In accordance with the first embodiment of the invention, first and second switches are provided on the handset and headset, respectively. Operation of the switch on the handset initiates (or accepts) the call (i.e., takes the phone "off-hook") and automatically routes the call on a first audio path that is connected to the microphone and speaker of the handset. If, on the

other hand, the user operates the second switch on the headset, the phone is taken "off-hook" and simultaneously the call is routed on a second audio path to the microphone and speaker of the headset. Accordingly, the audio path is selected by the user's choice of which switch he/she operates and is not dictated to the user merely by the fact that the headset is connected to the handset.

Discussion of Rejections

Applicant respectfully traverses all of the prior art rejections because Gong does not teach "a single first user operable switch disposed in the handset configured such that the operation thereof has the effect both of initiating and/or accepting a call, and of routing audio signals to the audio path corresponding to said handset regardless of whether the headset is connected to the handset" (referring to the language of exemplary claim 1).

The Office has cited column 3, lines 11-44 of Gong. The relevant disclosure in that section of Gong states:

The switching unit 150 switches the voice signal outputted from the amplifier 140 to an earphone terminal or a speaker, as shown in FIG. 1B depending on whether the hands-free function has been selected via the key input unit 170. (Column 3, lines 15-19).

and

With reference to FIG. 2, there is shown a flow chart for implementing a hands-free function according to a preferred method of the present invention.

First, after forming a speech path at step 200, the controller 100 checks to determine whether the hands-free mode or function has been selected by depression of the corresponding key of the key input unit 170. (Column 3, lines of 25-31).

Hence, Gong discloses that the handset includes a button for selecting between the earphone and the speaker. There is absolutely nothing in Gong that suggests that the same button takes the phone off-hook to initiate or accept a call. There is nothing in Gong to suggest that the key discussed in column 3 does anything but switch the audio path between the earphone and the speaker.

Claim 1 recites an entirely different concept in which a single button on the handset both takes the phone off-hook and automatically selects the audio path on the handset regardless of whether the headset is connected or not.

Accordingly, with reference to claim 1, Gong does not teach "a single first user operable switch disposed in the handset, said switch configured such that the operation thereof has the effect of both initiating and/or accepting a call, and of routing audio signals to said audio path corresponding to said handset regardless of whether the headset is connected to the handset".

In the follow up telephone conversation of July 24, 2006, the Examiner noted that he was concerned that even the term "single switch" could read on the keypad, which, in the Examiner's view could be deemed to comprise a single switching mechanism and, thus, the claim term "single switch" could possibly still be read on Gong. The Examiner suggested that "single button" might overcome the rejection. However, Applicant balked at inserting such terminology because it was much too limiting insofar as the switching function could readily be provided by a switch that is not button activated, such as a slide switch, a toggle switch, a "button" on a touch sensitive screen (would the term "button" necessarily read on this?), or a rotating switch. Applicant's undersigned representative noted that "switch" was a much more appropriate generic term for the substance of the invention.

As discussed in the interview, whereas Applicant agrees with the Examiner that a keypad could reasonably be considered a single "switching mechanism" (comprising a plurality of switches), it really could not reasonably be considered a single "switch". Certainly, no one of skill in the related arts would consider a switching mechanism comprising a plurality of switches to be a "single switch". Moreover, interpreting the term "single switch" to cover a switching mechanism comprising multiple switches would be inappropriate because, if the term "single switch" is not interpreted to mean a single switch (in the way that both the Applicant and the Examiner obviously intend), then there would be no words in the English language that would allow the Applicant to claim what it intends to claim.

This obviously cannot be the case. If the patent law does not permit an interpretation of the term "single switch" to mean a single switch, then what possible words could Applicant use to mean a single switch?

Furthermore, to whatever extent someone might even consider the possibility that the term "single switch" covers a switching mechanism comprising multiple switches, certainly the specification of the present application would dispel any such unreasonable interpretation.

Accordingly, Applicant respectfully requests the Office to allow claim 1 as it the language of claim 1 adequately distinguishes over Gong.

As discussed in response to the previous Office Actions, the secondary reference, Kim, also does not teach this feature. Accordingly, claim 1 patentably distinguishes over the prior art of record.

Claims 2-7 depend from claim 1 and, therefore, distinguish over the prior art of record for at least the same reasons.

Claim 15 is an independent method claim that recites a similar distinction over the prior art. Particularly, the prior art of record does not teach "responsive to operation of the single first switch, initiating or accepting a call and routing the call on the first audio path regardless of whether said headset is connected to said handset". Accordingly, claim 15 patentably distinguishes over the prior art of record for the same reasons discussed above with respect to claim 1.

Claims 16-24 depend from claim 15 and, therefore, distinguish over the prior art of record for at least all of the same reasons discussed above in connection with claim 15. The secondary references, Kim and Bowen, do not remedy the aforementioned shortcomings of the primary reference.

Applicant has entered further minor amendments to the claims in view of the other claims as well as other former and current claim amendments entered in this application in order to improve their form, keep the claim language consistent among all claims, and provide the broadest coverage permissible in the context of the prior art, specification, and current law.

In view of the foregoing amendments and remarks, this application is now in condition for allowance. Applicant respectfully requests the Examiner to issue a Notice of Allowance at the earliest possible date. The Examiner is invited to contact Applicant's undersigned counsel by telephone call in order to further the prosecution of this case in any way.

Respectfully submitted,

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